



Toll Bridge Program Oversight Committee

**MINUTES**  
**TBPOC CONFERENCE CALL**  
January 18, 2006, 3:30 PM

Participants: Will Kempton, Steve Heminger, John Barna, Andy Fremier, Randy Iwasaki, Rick Land, Stephen Maller, Jose Aguirre, Francis Chin, George Spanos, Mark Castillo, Leo Scott and Jon Tapping

Convened: 3:31 PM

The meeting was called to further discuss urgent SAS Contract issues and act on Bidder Inquiry Nos. 262 and 267.

ITEMS	TBPOC Decision/Direction
<b>I. Contract Issues</b> <ul style="list-style-type: none"><li>Attorneys were asked for guidance on the possibility of acceding to the bidder request for the following:<ul style="list-style-type: none"><li>waiver of consequential damages,</li><li>limitation on damages in the event of contractor termination or default,</li><li>limitation on contractor's liability for loss or damage to work cannot be granted legally.</li></ul></li></ul>	<ul style="list-style-type: none"><li>There has been no change in legal position since the TBPOC met on this subject. These issues are not within the authority of Caltrans to grant legally.</li></ul>
<b>II. Bid Opening Extension</b>	<ul style="list-style-type: none"><li>The bid opening date will be extended 60 days from date of notification to March 22, 2006.</li><li>To mitigate the overall delay, the bid review process for awarding the contract will be reduced from 60 to 30 days.</li></ul>
<b>III. Contract Work Days Extension</b>	<ul style="list-style-type: none"><li>The contract work days will be extended 180 days.</li></ul>
<b>IV. Contract Work Days Buyback Incentive</b>	<ul style="list-style-type: none"><li>A buyback incentive clause will be added to the contract to encourage early completion at \$50,000 a day for up to six months.</li><li>Additionally, to attract a bigger pool of bidders, the bid stipend for the 3 low responsive bidders will be increased from \$3M to \$5M.</li></ul>




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<b>V. Press Release</b> <ul style="list-style-type: none"><li>• The announcement should refer to the bidder inquiries received, and respond to the broader bidder community to attract a number of bidders.</li><li>• Responses to Bidder Inquiries will be referred to Addendum 7 that will cover these changes, and which will be issued on Monday, January 23.</li></ul>	<ul style="list-style-type: none"><li>• A press release and conference is the appropriate way of announcing these decisions.</li><li>• Randy Iwasaki and Bart Ney to develop talking points and draft press release covering these decisions.</li><li>• The press conference will Jan. 19, 2006 at 12:00 PM.</li></ul>

Adjourned: 4:30 PM

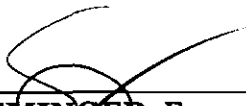
**APPROVED BY:**

  
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**WILL KEMPTON**, Director  
California Department of Transportation

2-23-06  
Date

  
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**JOHN F. BARNA, Jr.**, Executive Director  
California Transportation Commission

2-23-06  
Date

  
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**STEVE HEMINGER**, Executive Director  
Bay Area Toll Authority

3/2/06  
Date